

JACKSON LEWIS LLP  
*ATTORNEYS FOR DEFENDANTS*  
666 Third Avenue  
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ATTORNEYS OF RECORD:  
FELICE B. EKELMAN (FE 5692)  
JOANNA S. SMITH (JS 6471)

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

-----X  
TYLER WALZ, STEPHEN STACY a/k/a  
STEVE STACY, FORREST BAYLESS,  
MARCUS CALDERON, DANNY MARR,  
Each Individually And On Behalf Of All  
Other Persons Similarly Situated,

Plaintiffs,

-against-

44 & X incorporated as 10<sup>th</sup> AVENUE  
GROUP, INC., SCOTT HART Individually,  
and BRUCE HOROWYTZ a/k/a BRUCE  
HOROWITZ, Individually,

Defendants.  
-----X

Civ. No.: 12 CIV 5800 (CM)(AJP)

**NOTICE OF DEFENDANTS'  
MOTION TO ENFORCE THE  
SETTLEMENT AGREEMENT**

**TO:** Walker G. Harman, Jr., Esq.  
Peter J. Andrews, Esq.  
THE HARMAN FIRM, PC  
*Attorneys for Plaintiffs*  
200 West 57<sup>th</sup> Street, Suite 900  
New York, New York 10019

**PLEASE TAKE NOTICE** that upon the accompanying Memorandum of Law and Declaration of Felice B. Ekelman, Esq., the undersigned will move this Court before the Honorable Andrew J. Peck at the United States District Court for the Southern District of New

York, Daniel Patrick Moynihan Courthouse, located at 500 Peal Street, New York, New York 10007-1312, at a date and time to be determined by the Court, for an Order (1) to enforce the Settlement Agreement; (2) granting Defendants their reasonable attorneys' fees and costs for having to file and pursue the instant motion; and, (3) for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

JACKSON LEWIS LLP  
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Dated: July 30, 2013  
New York, New York

By: S/ Felice B. Ekelman  
Felice B. Ekelman (FE 5692)  
Joanna S. Smith (JS 6471)

ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

I hereby certify that on this 30<sup>th</sup> day of July 2013, the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Southern District's Local Rules, and/or the Southern District's Rules on Electronic Service upon the following parties and participants:

WALKER G. HARMAN, JR.  
PETER J. ANDREWS  
THE HARMAN FIRM, PC  
*ATTORNEYS FOR PLAINTIFFS*  
200 West 57<sup>th</sup> Street, Suite 900  
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S/ Joanna S. Smith  
Joanna S. Smith, Esq.